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AMENDED IN ASSEMBLY JUNE 17, 1999  
AMENDED IN SENATE APRIL 13, 1999  
AMENDED IN SENATE APRIL 5, 1999

**SENATE BILL**

**No. 876**

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**Introduced by Senator Escutia**  
(Principal coauthor: Assembly Member Cardoza)  
**(Coauthor: Senator Ortiz)**  
(Coauthors: Assembly Members Alquist, Bock, Jackson,  
Mazzoni, Soto, and Washington)

February 25, 1999

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An act to amend Sections 42807, 42885, 42889, 42889.1, 42950, 42951, 42952, 42953, 42954, 42955, 42956, 42958, 42960, 42962, 42963, and 48100 of, to add Sections 42801.5, 42801.6, 42801.7, 42805.5, 42805.6, 42805.7, 42806.5, 42814, and 42889.3 to, to add and repeal Section 42885.5 of, to repeal Sections 42842, 42866, and 42959; of, and to repeal and add Sections 42843 and 42961.5 of, the Public Resources Code, relating to waste and used tires, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 876, as amended, Escutia. Waste and used tires.

(1) Existing law contains varying definitions of “waste tire” for purposes of the law governing major and minor waste tire facility permits and other laws governing tire hauler registration.

This bill would conform those definitions, and would specify that the term “waste tire” includes a repairable tire, a scrap tire, and an altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire.

The bill would define the term “used tire,” for purposes of those laws, as a tire that is no longer mounted on a vehicle but is still suitable for use as a vehicle tire. The bill would require that a used tire meet specified requirements and be stored in a rack or a stack, but not in a pile, in a specified manner. The bill would additionally define the terms “altered waste tire,” “baled tire,” “crumb rubber,” “repairable tire,” “tire derived product,” and “scrap tire.”

(2) Existing law authorizes the board to suspend, deny, or revoke a waste tire facility permit, if the applicant or holder has taken specified actions.

This bill would revise the procedures for the suspension, denial, or revocation of a waste tire facility permit, including authorizing the board to suspend, deny, or revoke a waste tire facility permit for a period of up to 3 years, for a period of from 3 to 5 years, or for a period of more than 5 years, depending upon the nature of the violations.

(3) Existing law requires every person who engages in the transportation of waste tires to hold a valid waste tire hauler registration, and requires any person engaged in the transportation of waste tires to follow specified requirements. Existing law exempts persons who haul waste tires from registration, if specified conditions are met.

This bill would additionally subject persons who haul used tires to those waste tire hauler requirements and would make conforming changes. The bill would additionally exempt from the registration requirements a person who has received a specified authorization from the enforcement agency or who complies with any additional conditions for exemption, as approved by the California Integrated Waste Management Board.



(4) Under existing law, the board is authorized to suspend, deny, or revoke a waste tire hauler registration. Existing law also provides that a person who violates the tire hauler requirements is subject to a civil penalty of up to \$10,000 for each violation and the board is authorized to impose an administrative penalty of up to \$1,000 for each violation.

This bill would revise the conditions for the suspension, denial or revocation of a waste and used tire hauler registration.

This bill would provide for the imposition of civil penalties for certain false statements or misrepresentations, increase the maximum amount of the civil penalty that may be imposed for a violation to \$25,000 for each violation, and increase the maximum amount of the administrative penalty that the board is authorized to impose to \$5,000 for each violation.

(5) Existing law requires the board to develop a waste tire manifest system for registered waste tire haulers that requires a manifest to accompany each shipment of waste tires from the point of origin to the processing, collection, storage, or disposal facility.

This bill would repeal those provisions and would instead require any person generating waste or used tires that are transported or submitted for transportation to submit a California Uniform Waste and Used Tire Manifest to the waste and used tire hauler and to submit copies of the manifest to the board. The bill would require a waste and used tire hauler to possess that manifest while transporting waste or used tires and would require the operator of a waste or used tire facility to submit a copy of the manifest to the board and the generator. The board would be required to develop and implement a system for auditing manifests, including continuously conducting random sampling and matching of manifests.

(6) Existing law requires every person who purchases a new tire from a retail seller of new tires to pay a fee of 25¢ per tire to the seller. Existing law authorizes the retail seller to retain 10% of the fee as reimbursement for any costs associated with the collection, and requires the seller to remit the remainder to the state for deposit in the California Tire



Recycling Management Fund. Under existing law, these provisions are repealed on January 1, 2001.

This bill, instead, would, until January 1, 2006, require a person who purchases a new tire to pay a California tire fee, would increase the fee to \$1.50 per tire, and would authorize the retailer to retain 3% of the fee as reimbursement for any costs associated with the collection. The bill would require the fee to be separately stated and would impose a civil penalty upon a person or business that knowingly, or with reckless disregard, makes a false statement or representation in connection with the collection of this fee. The bill would revise the definition of the term “new tire” for purposes of the fee, to include a tire sold with a new motor vehicle. The bill would also authorize the board to impose an administrative penalty for a violation of the laws relating to tire recycling. This bill would delete the repeal of the provisions imposing this fee.

(7) The bill would require the board to submit an annual report to the appropriate policy and fiscal committees of the Legislature regarding the board’s proposed expenditures from the fund for the next fiscal year. The bill would require the board to also submit a report to the Legislature, by January 1, 2005, on the implementation of the program. These reporting provisions would be repealed on January 1, 2006.

The bill would require the Department of Transportation to submit an annual report, by January 1, to the Legislature and the board, on the use of waste tires in transportation and civil engineering projects.

(8) Under existing law, the money in the tire recycling fund is authorized to be expended by the board, upon appropriation in the annual Budget Act, for specified purposes concerning tire recycling, the disposal of used tires, and for a program pursuant to which grants are made to cities and counties for purposes of cleaning up and abating the effects of solid waste illegally disposed of on farm or ranch property.

This bill would make an appropriation by providing for the continuous appropriation of the moneys in the fund to the board.



This bill would limit the purposes for which the money could be expended, for purposes of the grant program, to the cleanup, abatement, or other remedial action related to the disposal of used whole tires. The bill would make related changes.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known and may be cited  
2 as the ~~California Waste~~ *Escutia-Cardoza California Tire*  
3 *Recycling Enhancement Act*.

4 SEC. 2. The Legislature finds and declares all of the  
5 following:

6 (a) This state generates over 30 million waste tires  
7 annually. In addition, over 3 million tires are imported  
8 into the state each year. Of these tires, roughly 19 million  
9 are recycled annually.

10 (b) The state's landscape is also blighted by millions of  
11 tires illegally dumped or stockpiled. These stockpiles pose  
12 serious threats to the public health, safety, and  
13 environment, particularly when they are improperly  
14 maintained or catch fire. These negative environmental  
15 effects include habitat for pests and vectors, toxic smoke  
16 and residues, and contaminated air, water, and soil.

17 (c) This state has the unenviable distinction of having  
18 the largest tire problem and the lowest tire recycling fee  
19 of any state in the nation. Moreover, this state's tire  
20 recycling fee is due to sunset on January 1, 2001.

21 (d) Within the last 18 months, this state experienced  
22 two devastating tire fires; one at the Filbin stockpile in  
23 Westley and the other at the Royster stockpile in Tracy.  
24 These two fires burned over 8 million tires, resulting in  
25 considerable environmental damage to the region and  
26 significant adverse impacts to local residents. These two  
27 fires also highlighted the need for additional state and  
28 local regulatory authority in the waste tire area.

29 (e) Without significant expansion of existing markets  
30 for waste tires, such as rubberized asphalt concrete,

1 playground mats and other surfacing, civil engineering  
2 applications, tire derived fuel and the development of  
3 new technologies that use waste tires, the tire stockpiles,  
4 both legal and illegal, and the environmental threat they  
5 pose, will continue to grow.

6 (f) The California Integrated Waste Management  
7 Board's recent tire report, required by Section 42871 of  
8 the Public Resources Code, discussed the tire situation in  
9 the state, described how other states addressed their tire  
10 issues, and detailed enforcement provisions and  
11 regulatory actions needed to deal with this state's tire  
12 problem.

13 (g) The purpose of this act is to do all of the following:

14 (1) Implement many of the enforcement, market  
15 development, administrative, and technical  
16 recommendations outlined in the California Integrated  
17 Waste Management Board's recent report on California's  
18 waste tire recycling enhancement program.

19 (2) Encourage tire manufacturers to promote the use  
20 of retreaded and longer-lasting tires, as well as develop  
21 recycled-content rubber tires.

22 (3) Stimulate waste and used tire market  
23 development activities, while cleaning up existing waste  
24 tire piles and enforcing waste and used tire laws.

25 (4) Improve the current tire manifest system.

26 (5) Increase state government's procurement and use  
27 of recycled-content tire products, such as rubberized  
28 asphalt concrete, crumb rubber products, and civil  
29 engineering applications.

30 SEC. 3. Section 42801.5 is added to the Public  
31 Resources Code, to read:

32 42801.5. (a) "Altered waste tire" means a waste tire  
33 that has been baled, shredded, chopped, or split apart.  
34 "Altered waste tire" does not mean crumb rubber.

35 (b) "Alteration" or "altering," with reference to a  
36 waste tire, means an action that produces an altered  
37 waste tire.

38 SEC. 4. Section 42801.6 is added to the Public  
39 Resources Code, to read:



1 42801.6. “Baled tire” means either a whole or an  
2 altered tire that has been compressed and then secured  
3 with a binding material for the purpose of reducing its  
4 volume.

5 SEC. 5. Section 42801.7 is added to the Public  
6 Resources Code, to read:

7 42801.7. “Crumb rubber” means rubber granules  
8 derived from a waste tire that are less than or equal to,  
9 one-quarter inch or six millimeters in size.

10 SEC. 6. Section 42805.5 is added to the Public  
11 Resources Code, to read:

12 42805.5. “Repairable tire” means a worn, damaged, or  
13 defective tire that is retreadable, recappable, or  
14 regrooveable, or that can be otherwise repaired to return  
15 the tire to its use as a vehicle tire, and that meets the  
16 applicable requirements of the Vehicle Code and Title 13  
17 of the California Code of Regulations.

18 SEC. 7. Section 42805.6 is added to the Public  
19 Resources Code, to read:

20 42805.6. “Scrap tire” means a worn, damaged, or  
21 defective tire that is not a repairable tire.

22 SEC. 8. Section 42805.7 is added to the Public  
23 Resources Code, to read:

24 42805.7. “Tire derived product” means material that  
25 meets both of the following requirements:

26 (a) Is derived from a process using whole tires as a  
27 feedstock. A process using whole tires includes, but is not  
28 limited to, shredding, crumbing, or chipping.

29 (b) Has been sold and removed from the processing  
30 facility.

31 SEC. 9. Section 42806.5 is added to the Public  
32 Resources Code, to read:

33 42806.5. “Used tire” means a tire that meets all of the  
34 following requirements:

35 (a) The tire is no longer mounted on a vehicle but is  
36 still suitable for use as a vehicle tire.

37 (b) The tire meets the applicable requirements of the  
38 Vehicle Code and Title 13 of the California Code of  
39 Regulations.

(c) (1) The used tire is stored by size in a rack or a stack, but not in a pile, in a manner approved by the local fire marshal and vector control authorities and in accordance with the state minimum standards.

(2) A used tire stored pursuant to this section shall be stored in a manner to allow the inspection of each individual tire.

SEC. 10. Section 42807 of the Public Resources Code is amended to read:

42807. “Waste tire” means a tire that is no longer mounted on a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications. A waste tire includes a repairable tire, scrap tire, and altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire that is organized for inspection and resale by size in a rack or a stack in accordance with Section 42806.5.

SEC. 11. Section 42814 is added to the Public Resources Code, to read:

42814. (a) If approved by the board, any generator, waste and used tire hauler, or operator of a waste tire facility that is subject to the manifest requirements of Section 42961.5, may submit an electronic report to the department, in lieu of the copy of the manifest required by subdivision (b), (c), or (d) of Section 42961.5. The electronic report shall include all information required to be on the California Uniform Waste and Used Tire Manifest, and any other information required by the board.

(b) A generator, waste and used tire hauler, or operator of a waste tire facility subject to subdivision (a) shall submit the electronic reports to the board on a quarterly schedule.

SEC. 12. Section 42842 of the Public Resources Code is repealed.

SEC. 13. Section 42843 of the Public Resources Code is repealed.

SEC. 14. Section 42843 is added to the Public Resources Code, to read:



1 42843. (a) The board, after holding a hearing in  
2 accordance with the procedures set forth in Sections  
3 11503 to 11519, inclusive, of the Government Code, may  
4 revoke, suspend, or deny a waste tire facility permit for  
5 a period of up to three years, if the board determines any  
6 of the following:

7 (1) The permit was obtained by a material  
8 misrepresentation or failure to disclose relevant factual  
9 information.

10 (2) The operator of the waste tire facility, during the  
11 previous three years, has been issued a final order for,  
12 failed to comply with, or has been convicted of, any of the  
13 following:

14 (A) One or more violations of this chapter or the  
15 regulations adopted pursuant to this chapter.

16 (B) One or more violations of Chapter 19  
17 (commencing with Section 42950) or the regulations  
18 adopted pursuant to that chapter.

19 (C) The terms or conditions of the operator's waste  
20 tire facility permit.

21 (D) Any order, direction, or penalty issued by the  
22 board relating to the safe storage or processing of waste  
23 tires.

24 (b) If the board determines that a violation specified  
25 in paragraph (2) of subdivision (a) demonstrates a  
26 chronic, recurring pattern of noncompliance that poses,  
27 or may pose, a significant risk to public health and safety  
28 or the environment, or if the violation has not been  
29 corrected or reasonable progress toward correction has  
30 not been achieved, the board may suspend, revoke, or  
31 deny a waste tire facility permit, in accordance with the  
32 procedure specified in subdivision (a), for a period of not  
33 more than five years.

34 (c) If the board determines that a violation specified  
35 in paragraph (2) of subdivision (a) has resulted in  
36 significant harm to human health or the environment, the  
37 board may suspend, revoke, or deny a waste tire facility  
38 permit, in accordance with the procedure specified in  
39 subdivision (a), for a period of five years or greater.

1 SEC. 15. Section 42866 of the Public Resources Code  
2 is repealed.

3 SEC. 16. Section 42885 of the Public Resources Code  
4 is amended to read:

5 42885. (a) For purposes of this section, “California  
6 tire fee” means the fee imposed pursuant to this section.

7 (b) (1) On and before January 1, 2006, every person  
8 who purchases a new tire, as defined in subdivision (g),  
9 shall pay a California tire fee of one dollar and fifty cents  
10 (\$1.50) per tire.

11 (2) The retail seller shall charge the retail purchaser  
12 the amount of the California tire fee as a charge that is  
13 separate from, and not included in any other, fee, charge,  
14 or other amount paid by the retail purchaser.

15 (3) The retail seller shall collect the California tire fee  
16 from the retail purchaser at the time of sale and may  
17 retain 3 percent of the fee as reimbursement for any costs  
18 associated with the collection of the fee,~~and~~. *The retail*  
19 *seller* shall remit the remainder to the state on a quarterly  
20 schedule for deposit in the California Tire Recycling  
21 Management Fund, which is hereby created in the State  
22 Treasury.

23 (c) The board, or its agent authorized pursuant to  
24 Section 42882, shall be reimbursed for its costs of  
25 collection, auditing, and making refunds associated with  
26 the California Tire Recycling Management Fund, but not  
27 to exceed 3 percent of the total annual revenue deposited  
28 in the fund.

29 (d) The California tire fee imposed pursuant to  
30 subdivision (a) shall be separately stated by the retail  
31 seller on the invoice given to the customer at the time of  
32 sale. Any other disposal or transaction fee charged by the  
33 retail seller related to the tire purchase shall be identified  
34 separately from the California tire fee.

35 (e) Any person or business who knowingly, or with  
36 reckless disregard, makes any false statement or  
37 representation in any document used to comply with this  
38 section is liable for a civil penalty for each violation or, for  
39 continuing violations, for each day that the violation  
40 continues. Liability under this section may be imposed in

1 a civil action and shall not exceed twenty-five thousand  
2 dollars (\$25,000) for each violation.

3 (f) In addition to the civil penalty that may be imposed  
4 pursuant to subdivision (e), the board may impose an  
5 administrative penalty in an amount not to exceed five  
6 thousand dollars (\$5,000) for each violation of a separate  
7 provision or, for continuing violations, for each day that  
8 the violation continues, on any person who intentionally  
9 or negligently violates any permit, rule, regulation,  
10 standard, or requirement issued or adopted pursuant to  
11 this chapter. The board shall adopt regulations that  
12 specify the amount of the administrative penalty and the  
13 procedure for imposing an administrative penalty  
14 pursuant to this subdivision.

15 (g) For purposes of this section, “new tire” means a  
16 pneumatic or solid tire intended for use with on-road or  
17 off-road motor vehicles, motorized equipment,  
18 construction equipment, or farm equipment that is sold  
19 separately from the motorized equipment, or a tire sold  
20 with a new motor vehicle, including the spare tire,  
21 construction equipment, or farm equipment. “New tire”  
22 does not include retreaded or recycled tires .

23 SEC. 17. Section 42885.5 is added to the Public  
24 Resources Code, to read:

25 42885.5. (a) The board shall annually, pursuant to  
26 Section 42889.1, submit a report to the appropriate policy  
27 and fiscal committees of the Legislature regarding the  
28 board’s proposed expenditures from the California Tire  
29 Recycling Management Fund for the next fiscal year.

30 (b) On or before January 1, 2005, the board shall  
31 submit a report to the Legislature on the implementation  
32 and cost of the California tire recycling program,  
33 including recommendations regarding the level and  
34 duration of the California tire fee. The board shall  
35 include, in the report, programmatic and fiscal issues  
36 including, but not limited to, the hierarchy used by the  
37 board to maximize productive uses of waste and used tires  
38 and the performance objectives and measurement  
39 criteria used by the board to evaluate the success of its

1 waste and used tire recycling program. Additionally, the  
2 report shall review the status of all of the following:

3 (1) Enforcement and regulations relating to the  
4 storage of waste and used tires.

5 (2) Cleanup, abatement, or other remedial action  
6 related to tire stockpiles throughout the state.

7 (3) Research directed at promoting and developing  
8 alternatives to the landfill disposal of tires.

9 (4) Market development and new technology  
10 activities for used tires and waste tires.

11 (5) The waste and used tire hauler program and  
12 manifest system.

13 (c) This section shall remain in effect only until  
14 January 1, 2006, and as of that date is repealed, unless a  
15 later enacted statute, that is enacted before January 1,  
16 2006, deletes or extends that date.

17 SEC. 18. Section 42889 of the Public Resources Code  
18 is amended to read:

19 42889. Notwithstanding Section 13340 of the  
20 Government Code, the money in the fund is hereby  
21 continuously appropriated to the board, without regard  
22 to fiscal year, for the payment of refunds under this  
23 chapter and for expenditure for the following purposes:

24 (a) To pay the administrative overhead cost of this  
25 chapter, not to exceed 5 percent of the total revenue  
26 deposited in the fund annually, or an amount otherwise  
27 specified in the annual Budget Act.

28 (b) To pay the costs of administration associated with  
29 collection, making refunds, and auditing revenues in the  
30 fund, not to exceed 3 percent of the total revenue  
31 deposited in the fund, as provided in subdivision (b) of  
32 Section 42885.

33 (c) To pay the costs associated with operating the tire  
34 recycling program specified in Article 3 (commencing  
35 with Section 42870).

36 (d) To pay the costs associated with the development  
37 and enforcement of regulations relating to the storage of  
38 waste tires and used tires.

39 (e) To pay the costs of cleanup, abatement, or other  
40 remedial action related to tire stockpiles throughout the

1 state, including all costs associated with reimbursing  
2 other public agencies involved in these activities, as  
3 agreed to, or determined by, the board in its lead agency  
4 role on tire cleanup, abatement, remediation, and  
5 emergency response activities.

6 (f) To make studies and conduct research directed at  
7 promoting and developing alternatives to the landfill  
8 disposal of tires.

9 (g) To assist in developing markets and new  
10 technologies for used tires and waste tires.

11 (h) To pay the costs associated with implementing and  
12 operating a waste tire and used tire hauler program and  
13 manifest system pursuant to Chapter 19 (commencing  
14 with Section 42950).

15 (i) To pay the costs to create and maintain an  
16 emergency reserve, which shall not exceed one million  
17 dollars (\$1,000,000).

18 (j) To pay the costs of cleanup, abatement, or other  
19 remedial action related to the disposal of used whole tires  
20 in implementing and operating the Farm and Ranch  
21 Solid Waste Cleanup and Abatement Grant Program  
22 established pursuant to Chapter 2.5 (commencing with  
23 Section 48100) of Part 7.

24 SEC. 19. Section 42889.1 of the Public Resources Code  
25 is amended to read:

26 42889.1. Each year, in conjunction with the State  
27 Budget submitted to the Legislature pursuant to Section  
28 12 of Article IV of the California Constitution, the board  
29 shall submit to the appropriate legislative policy and fiscal  
30 committees a report that describes the grants, loans,  
31 contracts, and other expenditures proposed to be made  
32 by the board under the tire recycling program for that  
33 fiscal year.

34 SEC. 20. Section 42889.3 is added to the Public  
35 Resources Code, to read:

36 42889.3. On or before January 1 of each year, the  
37 Department of Transportation shall report to the  
38 Legislature and the board on the use of waste tires in  
39 transportation and civil engineering projects during the  
40 previous five years, including, but not limited to, the

1 approximate number of tires used every year, and the  
2 types and location of these projects.

3 SEC. 21. Section 42950 of the Public Resources Code  
4 is amended to read:

5 42950. For purposes of this chapter, the following  
6 definitions apply:

7 (a) “Agricultural purposes” means the use of waste  
8 tires as bumpers on agricultural equipment or as a ballast  
9 to maintain covers or structures at an agricultural site.

10 (b) (1) “Altered waste tire” means a waste tire that  
11 has been baled, shredded, chopped, or split apart.  
12 “Altered waste tire” does not mean crumb rubber.

13 (2) “Alteration” or “altering,” with reference to a  
14 waste tire, means an action that produces an altered  
15 waste tire.

16 (c) “Applicant” means any person seeking to register  
17 as a waste tire hauler.

18 (d) “Baled tire” means either a whole or an altered  
19 tire that has been compressed and then secured with a  
20 binding material for the purpose of reducing its volume.

21 (e) “Common carrier” means a “common carrier,” as  
22 defined in Section 211 of the Public Utilities Code.

23 (f) “Crumb rubber” means rubber granules derived  
24 from a waste tire that are less than or one-quarter inch or  
25 six millimeters in size.

26 (g) “Repairable tire” means a worn, damaged, or  
27 defective tire that is retreadable, recappable, or  
28 regrooveable, or that can be otherwise repaired to return  
29 the tire to use as a vehicle tire, and that meets the  
30 applicable requirements of the Vehicle Code and Title 13  
31 of the California Code of Regulations.

32 (h) “Scrap tire” means a worn, damaged, or defective  
33 tire that is not a repairable tire.

34 (i) “Tire derived product” means material that meets  
35 both of the following requirements:

36 (1) Is derived from a process using whole tires as a  
37 feedstock. A process using whole tires includes, but is not  
38 limited to, shredding, crumbing, or chipping.

39 (2) Has been sold and removed from the processing  
40 facility.

(j) “Used tire” means a tire that meets all of the following requirements:

(1) The tire is no longer mounted on a vehicle but is still suitable for use as a vehicle tire.

(2) The tire meets the applicable requirements of the Vehicle Code and of Title 13 of the California Code of Regulations.

(3) (A) The used tire is stored by size in a rack or a stack, but not in a pile, in a manner approved by the local fire marshal and vector control authorities and in accordance with the state minimum standards.

(B) A used tire stored pursuant to this section shall be stored in a manner to allow the inspection of each individual tire.

(k) “Waste tire” means a tire that is no longer mounted on a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications. A waste tire includes a repairable tire, scrap tire, and altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire that is organized for inspection and resale by size in a rack or a stack in accordance with subdivision (j).

SEC. 22. Section 42951 of the Public Resources Code is amended to read:

42951. (a) Every person who engages in the transportation of waste or used tires shall hold a valid waste and used tire hauler registration, unless exempt as specified in Section 42954.

(b) A registered waste and used tire hauler shall only transport waste or used tires to a facility that is permitted by the board or exempted pursuant to this division to accept waste and used tires, or to a facility that lawfully accepts waste or used tires for reuse or disposal.

SEC. 23. Section 42952 of the Public Resources Code is amended to read:

42952. Except as provided in Section 42954, any person engaged in transporting waste or used tires shall comply with all of the following requirements:



1 (a) The person shall be registered as a waste and used  
2 tire hauler with the board.

3 (b) The person shall not advertise or represent himself  
4 or herself as being in the business of a waste and used tire  
5 hauler without being registered as a waste and used tire  
6 hauler by the board.

7 SEC. 24. Section 42953 of the Public Resources Code  
8 is amended to read:

9 42953. Any person who gives, contracts, or arranges  
10 with another person to transport waste or used tires shall  
11 utilize only a person holding a valid waste and used tire  
12 hauler registration from the board, unless the hauler is  
13 exempt as specified in Section 42954.

14 SEC. 25. Section 42954 of the Public Resources Code  
15 is amended to read:

16 42954. (a) A person who hauls waste or used tires is  
17 exempt from registration under this chapter if at least one  
18 of the following conditions is met:

19 (1) The person is a solid waste collector operating  
20 under a license or franchise from any local government  
21 and transports fewer than 10 waste or used tires at any one  
22 time.

23 (2) The person transports fewer than 10 waste or used  
24 tires at any one time.

25 (3) The person is the United States, the State of  
26 California, or any county, city, town, or municipality in  
27 the state, except when vehicles the public agency owns  
28 or operates are used as a waste and used tire carrier for  
29 hire.

30 (4) The waste or used tires were inadvertently mixed  
31 or commingled with solid waste and it is not economical  
32 or safe to remove or recover them.

33 (5) The vehicle originated outside the boundaries of  
34 the state and is destined for a point outside the boundaries  
35 of the state, if no waste or used tires are loaded or  
36 unloaded within the boundaries of the state.

37 (6) The person is hauling waste or used tires for  
38 agricultural purposes. However, notwithstanding Section  
39 42961.5, a person hauling waste or used tires for  
40 agricultural purposes shall carry a manifest from the





1 generator in the vehicle during transportation, which  
2 may be destroyed after delivery.

3 (7) The waste or used tires were hauled by a common  
4 carrier who transported something other than waste or  
5 used tires to an original destination point and then  
6 transported waste or used tires on the return part of the  
7 trip, and the revenue derived from the waste or used tires  
8 is incidental when compared to the revenue earned by  
9 the carrier.

10 (8) The person is transporting waste or used tires to an  
11 amnesty day event or to a legal disposal site and has  
12 received written authorization from the local  
13 enforcement agency specifying conditions for that  
14 hauling for one day.

15 (9) The person complies with any additional  
16 conditions for exemption, as approved by the board.

17 (b) Any person who transports tires in violation of  
18 subdivision (b) of Section 42951 shall not be exempt  
19 pursuant to subdivision (a).

20 SEC. 26. Section 42955 of the Public Resources Code  
21 is amended to read:

22 42955. An application for a new or renewed waste and  
23 used tire hauler registration shall be made on a form  
24 approved by the board. The application shall include, but  
25 not be limited to, all of the following:

26 (a) A vehicle description, vehicle identification  
27 number, vehicle license number, and the name of the  
28 registered vehicle owner for each vehicle used for  
29 transporting waste or used tires.

30 (b) The business name under which the hauler  
31 operates, and the business owners' name, address, and  
32 telephone number.

33 (c) Other business names under which the hauler  
34 operates.

35 (d) A bond in favor of the State of California in the  
36 amount of ten thousand dollars (\$10,000). Proof of bond  
37 renewal shall be submitted with the application for  
38 annual renewal of a waste and used tire hauler  
39 registration.

40 (e) Any additional information required by the board.

1 SEC. 27. Section 42956 of the Public Resources Code  
2 is amended to read:

3 42956. (a) Upon approval of an application  
4 submitted pursuant to Section 42955, the board shall issue  
5 a waste and used tire hauler registration to be carried in  
6 the vehicle and a waste and used tire hauler decal to be  
7 permanently affixed to the lower right hand corner of the  
8 windshield.

9 (b) Any person who operates a vehicle or who  
10 authorizes the operation of a vehicle that transports 10 or  
11 more tires without a valid and current waste and used tire  
12 hauler registration, as issued by the board pursuant to  
13 Section 42955, shall be subject to the enforcement actions  
14 specified in Article 4 (commencing with Section 42962).

15 (c) The waste and used tire hauler registration shall be  
16 presented upon demand of an authorized representative  
17 of the board.

18 SEC. 28. Section 42958 of the Public Resources Code  
19 is amended to read:

20 42958. The initial waste and used tire hauler  
21 registration issued pursuant to this chapter shall be valid  
22 from the date of issuance to January 1 of the subsequent  
23 calendar year. Subsequent renewals shall be valid for one  
24 calendar year. The registration shall be renewed prior to  
25 its expiration.

26 SEC. 29. Section 42959 of the Public Resources Code  
27 is repealed.

28 SEC. 30. Section 42960 of the Public Resources Code  
29 is amended to read:

30 42960. (a) The board may suspend, revoke, or deny  
31 a waste and used tire hauler registration for a period of up  
32 to three years, by filing an accusation in accordance with  
33 the procedures of Sections 11505 to 11519, inclusive, of the  
34 Government Code, if the holder of the registration does  
35 any of the following:

36 (1) Commits more than three violations of, or fails to  
37 comply with any requirements of, this chapter or Chapter  
38 16 (commencing with Section 42800), or the regulations  
39 adopted pursuant to those provisions, within a one year  
40 period.



(2) Commits, aids, or abets any violation of this chapter or Chapter 16 (commencing with Section 42800), or the regulations adopted pursuant to those provisions, or permits an agent to do so, and the board determines that the violation poses an immediate threat of harm to public safety or to the environment.

(3) Commits, aids, or abets a failure to comply with this chapter or Chapter 16 (commencing with Section 42800), or the regulations adopted pursuant to those provisions, or permits an agent to do so, and the board determines that the failure to comply shows a repeating or recurring occurrence or that the failure to comply may pose a threat to public health or safety or the environment.

(4) Commits any misrepresentation or omission of a significant fact or other required information in the application for a waste and used tire hauler registration or commits any misrepresentation or omission of fact on any manifest more than three times in one year.

(b) The board may suspend, revoke, or deny a waste and used tire hauler registration for a period of three years to five years, or may suspend, revoke, or deny a waste and used tire hauler registration permanently, in accordance with the procedures specified in subdivision (a), under any of the following circumstances:

(1) The hauler's registration has been previously revoked or denied for any violation specified in subdivision (a).

(2) The hauler has been previously fined pursuant to this chapter or Chapter 16 (commencing with Section 42800).

(3) The board determines that the hauler's operations pose a significant threat to public health and safety.

SEC. 31. Section 42961.5 of the Public Resources Code is repealed.

SEC. 32. Section 42961.5 is added to the Public Resources Code, to read:

42961.5. (a) For purposes of this chapter, "California Uniform Waste and Used Tire Manifest" means a shipping document signed by a generator of waste or used tires, a waste and used tire hauler, or the operator of a

1 waste or used tire facility that contains all of the  
2 information required by the board, including, but not  
3 limited to, an accurate measurement of the number of  
4 tires being shipped, the type or types of the tires, the date  
5 the shipment originated, and the origin and intended  
6 final destination of the shipment.

7 (b) Any person generating waste or used tires that are  
8 transported or submitted for transportation, for offsite  
9 handling, altering, storage, disposal, or for any  
10 combination thereof, shall complete a California Uniform  
11 Waste and Used Tire Manifest, as required by the board.  
12 The generator shall provide the manifest to the waste and  
13 used tire hauler at the time of transfer of the tires. Each  
14 generator shall submit to the board, on a quarterly  
15 schedule, a legible copy of each manifest. The copy  
16 submitted to the board shall contain the signatures of the  
17 generator and the waste and used tire hauler. If approved  
18 by the board, in lieu of submitting a copy of each manifest  
19 used, a generator may submit an electronic report to the  
20 board meeting the requirements of Section 42814.

21 (c) (1) Any waste and used tire hauler registered as  
22 required by subdivision (a) of Section 42951 shall have the  
23 California Uniform Waste and Used Tire Manifest in his  
24 or her possession while transporting waste or used tires.  
25 The manifest shall be shown upon demand to any  
26 representative of the board, any officer of the California  
27 Highway Patrol, or any local public officer designated by  
28 the local enforcement agency.

29 (2) Any waste and used tire hauler hauling waste or  
30 used tires for offsite handling, altering, storage, disposal,  
31 or any combination thereof, shall complete the California  
32 Uniform Waste and Used Tire Manifest as required by the  
33 board. The waste and used tire hauler shall provide the  
34 manifest to the waste or used tire facility operator who  
35 receives the waste or used tires for handling, altering,  
36 storage, disposal, or any combination thereof. Each waste  
37 and used tire hauler shall submit to the board, on a  
38 quarterly schedule, a legible copy of each manifest. The  
39 copy submitted to the board shall contain the signatures  
40 of the generator and the facility operator. If approved by

1 the board, in lieu of submitting a copy of each manifest  
2 used, a generator may submit an electronic report to the  
3 board meeting the requirements of Section 42814.

4 (d) Each waste or used tire facility operator that  
5 receives waste or used tires for handling, altering, storage,  
6 disposal, or any combination thereof, that was  
7 transported with a manifest pursuant to this section, shall  
8 submit copies of each manifest provided by the waste and  
9 used tire hauler to the board and the generator on a  
10 quarterly schedule. The copy submitted to the board shall  
11 contain the signatures of each generator, each  
12 transporter, and the facility operator. If approved by the  
13 board, in lieu of submitting a copy of each manifest used,  
14 a facility operator may submit an electronic report to the  
15 board meeting the requirements of Section 42814.

16 (e) The board shall develop and implement a system  
17 for auditing manifests submitted to the board pursuant to  
18 this section, for the purpose of enforcing this section. The  
19 board shall continuously conduct random sampling and  
20 matching of manifests submitted by any person  
21 generating waste or used tires, hauling waste or used tires,  
22 or operating waste or used tire facilities, to assure  
23 compliance with this section.

24 SEC. 33. Section 42962 of the Public Resources Code  
25 is amended to read:

26 42962. (a) Any person who does any of the following  
27 shall be liable for a civil penalty not to exceed twenty-five  
28 thousand dollars (\$25,000) for each violation of a separate  
29 provision or for continuing violations for each day that  
30 violation continues:

31 (1) Intentionally or negligently violates any permit,  
32 rule, regulation, standard, or requirement issued or  
33 adopted pursuant to this chapter.

34 (2) Knowingly, or with reckless disregard, makes any  
35 false statement or representation in any application,  
36 manifest, record, report, permit, or other document filed,  
37 maintained, or used for purposes of compliance with this  
38 chapter.

39 (b) Liability under subdivision (a) may be imposed in  
40 a civil action.

1 (c) In addition to the civil penalty that may be  
2 imposed pursuant to subdivision (a), the board may  
3 impose civil penalties administratively in an amount not  
4 to exceed five thousand dollars (\$5,000) for each violation  
5 of a separate provision or for continuing violations for  
6 each day that violation continues, on any person who  
7 intentionally or negligently violates any permit, rule,  
8 regulation, standard, or requirement issued or adopted  
9 pursuant to this chapter. The board shall adopt  
10 regulations that specify the procedures and amounts for  
11 the imposition of administrative civil penalties pursuant  
12 to this subdivision.

13 SEC. 34. Section 42963 of the Public Resources Code  
14 is amended to read:

15 42963. This chapter, or any regulations adopted  
16 pursuant to Section 42966, is not a limitation on the power  
17 of a city, county, or district to impose and enforce  
18 reasonable land use conditions or restrictions on facilities  
19 that handle waste or used tires in order to protect the  
20 public health and safety or the environment, including  
21 preventing or mitigating potential nuisances, if the  
22 conditions or restrictions do not conflict with, or impose  
23 less stringent requirements than, this chapter or those  
24 regulations. However, this chapter, including any  
25 regulations that are adopted pursuant to Section 42966, is  
26 intended to establish a uniform statewide program for the  
27 regulation of waste and used tire haulers that will prevent  
28 the illegal disposal of tires, but which will not subject  
29 waste and used tire haulers to multiple registration or  
30 manifest requirements. Therefore, any local laws  
31 regulating the transportation of waste or used tires are  
32 preempted by this chapter.

33 SEC. 35. Section 48100 of the Public Resources Code  
34 is amended to read:

35 48100. (a) The Legislature hereby finds and declares  
36 that illegal disposal of solid waste on property owned by  
37 innocent parties is a longstanding problem needing  
38 attention and that grants provided under this chapter will  
39 support the cleanup of farm and ranch property.

(b) On or before January 1, 1999, the board shall establish a farm and ranch solid waste cleanup and abatement grant program under which cities and counties may seek financial assistance for the purposes of cleaning up and abating the effects of illegally disposed solid waste pursuant to this chapter.

(c) (1) The Farm and Ranch Solid Waste Cleanup and Abatement Account is hereby created in the General Fund and may be expended by the board, upon appropriation by the Legislature in the annual Budget Act, for the purposes of this chapter.

(2) The following funds shall be deposited into the account:

(A) Money appropriated by the Legislature from the Integrated Waste Management Fund or the California Used Oil Recycling Fund to the board for the grant program, or from the California Tire Recycling Management Fund to the board for the purposes set forth in subdivision (j) of Section 42889.

(B) Notwithstanding Section 16475 of the Government Code, any interest earned on the money in the account.

(3) The board may expend the money in the account for both of the following purposes:

(A) To pay the costs of implementing this chapter, which costs shall not exceed 7 percent of the funds available for the grant program.

(B) To make payments to cities and counties for grants authorized by this chapter.

(4) Upon authorization by the Legislature in the annual Budget Act, the sum of all funds transferred into the account from other funds or accounts shall not exceed one million dollars (\$1,000,000) annually.

(5) Notwithstanding any other provision of law, the grant program shall be funded from the following funds:

(A) The Integrated Waste Management Fund.

(B) The California Tire Recycling Management Fund, for the purposes set forth in subdivision (j) of Section 42889.

- 1 (C) The California Used Oil Recycling Fund.

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